

**THIS OPINION WAS NOT WRITTEN FOR PUBLICATION
and is not binding precedent of the Board**

Filed by: Interference Trial Section Merits Panel
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Interference 104071, Paper 148
Interference 104164, Paper 145

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

TIMOTHY J. HUGHES,
Junior Party,
Patent 5,277,191 and
Application 09/084,522,

v.

MICHAEL D. QUINN and MARK L. YELDERMAN,
Senior Party,
Application 08/049,231.

TIMOTHY J. HUGHES,
Junior Party,
Patent 5,474,080,

v.

MICHAEL D. QUINN and MARK L. YELDERMAN,
Senior Party,
Application 08/645,391.

Patent Interference Nos. 104,071 and 104,164
(Consolidated)

Before: SCHAFER, TORCZON and MEDLEY, Administrative Patent Judges.

SCHAFER, Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662

Upon consideration of the requests of junior party, TIMOTHY J. HUGHES, for entry of adverse judgment (Interference 104071, Paper 144 and Interference 104164, Paper 142), it is

ORDERED that judgment on priority as to the subject matter of Count 1 of Interference 104,071 (Attachment to Paper 1, pp. 3-4) and Count 1 of Interference 104,164 (Attachment to Paper 1, pp. 3-4) is awarded against the junior party TIMOTHY J. HUGHES;

FURTHER ORDERED that junior party, TIMOTHY J. HUGHES, is not entitled to a patent containing claims 1-18 of Patent 5,277,191 (corresponding to Count 1 of Interference 104,071), claims 1-32 of Application 09/084,522 (corresponding to Count 1 of Interference 104,071); and claims 1-11 of Patent 5,474,080 (corresponding to Count 1 of Interference 104,164);

FURTHER ORDERED that a copy of this judgment be made of record in Applications 09/084,522; 08/049,231 and 08/645,391 and in the file of Patents 5,277,191 and 5,474,080.

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.

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RICHARD E. SCHAFER)
Senior Administrative Patent Judge)

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RICHARD TORCZON)
Administrative Patent Judge)

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_____)
SALLY C. MEDLEY)
Administrative Patent Judge)

BOARD OF PATENT
APPEALS AND
INTERFERENCES

cc: (via First Class Mail)

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